

REMARKS

This Response is submitted in reply to the Non-Final Office Action of March 25, 2010, and in accordance with the telephone interviews on May 5, 2010 and on May 14, 2010. Claims 1, 6, 9, 10, 23, 28, 31, 35, 40, 44, 45, 46, 47, 48, 51, 56, 58, 59, 63, 64, 68, 72, 74, 78, 85, and 87 have been amended for clarity. No new matter has been added by these amendments. Please charge deposit account number 02-1818 for any fees due in connection with this Response.

The Office Action rejected Claims 1 to 93 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,203,430 to Walker et al. ("Walker '430") in view of U.S. Patent No. 6,491,584 to Graham et al. ("Graham") and U.S. Publication No. 2003/0220138 to Walker et al. ("Walker '138). Applicant respectfully disagrees with this rejection. Nevertheless, as discussed during the interviews, to expedite prosecution of this application, certain of the claims have been amended for clarity.

Walker '430 discloses a slot machine that identifies a tracked symbol and initializes a running count representing active occurrences of the tracked symbol generated during a play session. During the play session, the slot machine increases the running count to reflect occurrences of the tracked symbol and decreases the running count to reflect expiration of occurrences of the tracked symbol. If the running count reaches a predetermined level, the slot machine determines a bonus payout based on the running count.

Graham discloses a gaming machine where a triggering condition during a base game results in an initial series of free games, and during the initial series of free games, if another trigger condition arises, a subsequent series of free games, including a bonus feature, is awarded.

Walker '127 discloses a gaming device which provides a flat rate play session that costs a flat rate price. The flat rate play session spans multiple plays on the gaming device over a pre-established duration. The gaming device identifies price parameters and determines the flat rate price of playing the gaming device based on those price parameters.

During the second telephone interview, Applicant and the Examiner discussed the above amendments to Claim 1. Applicant believes that the Examiner indicated that amended Claim 1 is distinguished over the cited art because the combination of Walker '430, Graham, and Walker '127 does not disclose the gaming device of amended Claim 1. Applicant submits that amended independent Claim 1 is patentably distinguished over the combination of Walker '430, Graham and Walker '127 and is in condition for allowance.

Claims 2 to 27 depend directly from amended independent Claim 1 and are also allowable for the reasons given with respect to amended independent Claim 1 and because of the additional features recited in these claims.

Amended independent Claims 28, 40, 48, 56, 74, and 85 each includes certain elements similar to certain elements of amended independent Claim 1. Amended independent Claims 28, 40, 48, 56, 74, and 85 (and their respective dependent Claims) are each patentably distinguished over the proposed combination of Walker '430, Graham and Walker '127 and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance and such allowance is courteously solicited. If the Examiner has any questions related to this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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